HIGH COURT OF UTARANCHAL AT NAINITAL

Writ Petition No. 658 (MS) of 2004

Rajesh Rawat
S/o Sh. Manmohan Singh
Rawat.
R/o Uma Niwas, 102-103
Bara Bazar, Mallital, Nainital. …….Petitioner

VS

State of Uttaranchal and others. ……. Respondents

Writ Petition No. 5590 (MS) of 2001

Mahendra Singh Jaggi
And others. ……Petitioners

VS

State of Uttaranchal and
Others. …….. Respondents

Counsel for the petitioner Sh. P.C. Bhisht
Counsel for the respondents Sh. Ganesh Kandpal
On behalf of Sh. B.D.Upadhaya

Dated:- 4-8-2004

Hon'ble Rajesh Tandon J.

Heard Sh. P.C. Bhist learned counsel for the petitioners and Sh. Ganesh Kandpal holding the brief of Sh. B.D. Upadhaya counsel for the respondents.

By the present writ petitions the petitioners have prayed for a writ of mandamus commanding the respondents to give admission to the petitioner.

Brief facts giving rise to the present writ petitions are that the petitioners have passed Prathama Examination from Hindi Sahitya Sammelan Allahabad in 2nd division, session 2001-2002 with Hindi, History, Geography, Science, Mathematics and English subjects center at Sarvodya Rashtrabhasha Sikshan Sansthan, Bareilly Road Haldwani, District Nainital. After passing Prathama, the petitioners appeared and passed the Mahdyama Examination with History , English, Science, Economics and Hindi Literature from Sarvodya Rashtrabhasha Sikshan Sansthan, Barielly Road Haldwani Dist. Nainital center.

The grievance of the petitioners are that they have passed Prathama Hindi Sahitya Sammelan Allahabad which is equivalent to High School and Madhyama (Visarad) from Hindi Sahitya Sammelan Allahabad which is equivalent to intermediate.

While entertaining the writ petitions, the petitioners were allowed provisionally to appear in the classes.

The order passed by Hon'ble Mr. Justice P.C.Verma on 31-10-2001 is as under: -

> *"Put up on 20-11-2001 in order to enable the learned Standing Counsel for the State of Uttaranchal to obtain the instructions regarding the genuiness of Govt. order dated 22-8-1998.*

In the meantime, petitioners shall be allowed to under take education provisionally in the Classes they have been admitted."

The petitioners have submitted that after passing the Prathama and Madhyama Examination from Hindi Sahitya Sammelan Allahabad, the petitioner applied for admission at D.S.B. Campus, Kumaon University Nainital in B.A. 1st year with History, Sociology,

Hindi Literature and Political Science subjects and they have submitted their forms on 15-7-2004. The petitioners were required by the respondent No.2 to produce the educational certificates, so that their cases for admission may be considered. The petitioners produced his educational certificates, but the respondent No.2 refused to give them admission, on the ground that Prathama and Madhyama are not equivalent to High School and Intermediate Examination and therefore, they could not be given admission in B.A.Class.

Counsel for the petitioners has submitted that the decision of the respondent No.2 denying the admission to the petitioners in B.A.Class are not correct, in view of the Govt. order dt. 22-8-1998, which was issued by the Govt. of U.P. in which it was specifically mentioned that the Prathama and Madhyama Examinations conducted by the Hindi Sahitya Sammelan Allahabad are equivalent to High School and Intermediate classes.

Liberty is given to the petitioners to make a representation within a period of 3 days after filing the certified copy of the order. Vice Chancellor is directed to pass a reasoned order after hearing the petitioner. He shall also take into consideration the G.O. dated 22-8-1998, which reads as under: -

"उपयुक्त विषयक भारत सरकार के पंत्राक 2342/शि/98 दिनांक 12.8.1998 के सन्दर्भ में निर्देश हुआ है कि हिन्दी साहित्य सम्मेलन इलाहाबाद द्वारा संचालित प्रथमा एवं मध्यमा परीक्षा की क्रमशः हाईस्कूल एवं इण्टरमीडिऐट के समकक्ष मान्यता प्रदान की जाती है। अपने अधीनस्थ अधिकारियों /विभागों /कायालायों को भी एक परिपत्र भेजकर अवगत करा दें तथा एक परिपत्र की प्रतिलिपि यथाशीध्र की हमारे कार्यालय को भेज दें।"

The petitioners have already been admitted and taking their education. It is desirable in the interest of justice that the Vice Chancellor may consider the admission of the petitioners in the light of the G.O. dt. 22-8-1998.

In view of the above, the Vice Chancellor is directed to consider the admission of the petitioners after considering the G.O. dt. 22-8-1998 within a period of six weeks.

Subject to the aforesaid observation, both the writ petitions are disposed of. No order as to costs.

Dated:- 4-9-2004 **(RAJESH TANDON J.)**

M.K.